

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SHIRLEY ANN BARNUM,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

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Case No. CIV-14-315-M

REPORT AND RECOMMENDATION

Plaintiff, has filed an Application to Proceed in District Court without Prepaying Fees or Costs (Application). Pursuant to an order entered by Chief United States District Judge Vicki Miles-LaGrange, this matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). Having reviewed said application, the undersigned finds that Plaintiff has sufficient funds to prepay the filing fee of \$400.00. Specifically, in her response to question 3(f) of the Application, the Plaintiff explains that she received \$21,000.00 from the sale of a building. The Plaintiff only lists approximately \$11,000.00 in expenses paid from those proceeds. Therefore, the Plaintiff should have sufficient funds to pay the full filing fee. Plaintiff's Application should be denied, and she should be required to pay the full filing fee.

RECOMMENDATION

Based on the foregoing findings, it is recommended that the Plaintiff's Application, **ECF No. 2**, be **DENIED** and the action be dismissed without prejudice unless Plaintiff pays the full filing fee to the Clerk of the Court by **April 25, 2014**.

Plaintiff is advised of the right to file an objection to this Report and Recommendation with the Clerk of this Court by **April 24, 2014**. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives her right to appellate review of both factual and legal questions contained herein. *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

This report and recommendation terminates the referral to the undersigned Magistrate Judge unless and until the matter is re-referred.

ENTERED on April 4, 2014.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE